

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

LE-NATURE'S INC. COMMERCIAL
LITIGATION

MB FINANCIAL BANK, N.A.,

Plaintiff,

v.

MARSHALL INVESTMENTS CORPORATION,
MARSHALL FINANCIAL, INC., THE
MARSHALL GROUP, MARSHALL
BANKFIRST CORP., CIT GROUP/EQUIPMENT
FINANCING, INC., KRONES, INC., KRONES
AKTIENGESELLSCHAFT, VOLKER
KRONSEDER and HEINZ SOMMER,
Defendants.

(N.D. IL Civil Action No. 08-cv-2138,
transferred to MDL as of April 9, 2009)

WDPA DOCKET NO. 2:09-MC-00162-DWA
MDL DOCKET NO. 2021

Civil Action No.: 2:09-cv-469-DWA

**JOINT MOTION TO DISMISS THE CLAIMS OF
MB FINANCIAL BANK, N.A. AGAINST THE KRONES DEFENDANTS**

Plaintiff MB Financial Bank, N.A. (“MB”) and Defendants Krones, Inc., Krones Aktiengesellschaft, Volker Kroneder and Heinz Sommer (collectively, the “Krones Defendants,” and along with MB, the “Movants”), pursuant to Fed. R. Civ. P. 41(a)(2), hereby jointly move for the entry of an Order dismissing all claims asserted by MB against any of the Krones Defendants in its Third Amended Complaint (the “MB Complaint”) *with prejudice*. In support of this motion, the Movants respectfully state as follows:

1. MB and the Krones Defendants have entered into a settlement agreement with respect to all claims that have been asserted against the Krones Defendants in the MB Complaint.

2. In accordance with the terms of the parties' agreement, MB desires to have all of its pending claims against the Krones Defendants in the MB Complaint dismissed *with prejudice*, with each party bearing its own costs and attorneys' fees.

3. This motion does not address or otherwise adjudicate MB's remaining claims asserted against other parties in the MB Complaint.

4. A proposed Order of Dismissal has been submitted with this motion.

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CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2012, I served a true and correct copy of the foregoing upon each of the following by Electronic mail or U.S. mail pursuant to the Pretrial Order No. 1: Initial Case Management Order ("CMO"):

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